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| 09/966,965      | 09/27/2001  | Richard W. Pollmiller | DN 1785             | 4866             |

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EXAMINER

AVERY, BRIDGET D

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

3618

DATE MAILED: 12/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/966,965

Applicant(s)

POLLMILLER, RICHARD W.

Examiner

Bridget Avery

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12, 14-20 and 22-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 30-33 is/are allowed.
- 6) ☒ Claim(s) 1-12, 14, 17-20, 22, 25-29, 34 and 35 is/are rejected.
- 7) ☒ Claim(s) 15, 16, 23 and 24 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. The amendment filed by applicant on September 22, 2003 is acknowledged and has been entered.

#### ***Specification***

The disclosure is objected to because of the following informalities:

2. On page 17, reference numbers 38 and 40 have been used to describe "left and right mounts" on line 3 and "binding brackets" on line 9.
3. On page 18, the angle "a" is not shown in the drawings (Figure 10), however, distance "d" has been shown. It is requested that applicant either amend the drawings to include angle "a" or delete the reference to angle "a" in the specification to reduce confusion.
4. On page 18, line 17, "Base member 50" should be change to --Base member 52--.
5. On page 20, line 18, --portion-- should be inserted after "head" for consistency.
6. On page 22, line 19, "spring element 198" should be changed to --spring element 190—to be consistent with the drawings (Figure 15).

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1, 2, 5-12, 14, 17, 19, 20, 22 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Reynolds (US Patent 6,102,430).

Reynolds teaches an apparatus for snow riding by a rider wearing boots including an elongate snowboard (12) having a longitudinal board axis, an upper surface adapted to support the rider and a lower surface opposite the upper surface to glide on a snow covered area where the snowboard (62) includes a first set of attachment bores (clearly shown in Figure 9 to receive fasteners 75) formed in the upper surface, a second set of attachment bores (see Figure 1) formed in the upper surface at a location longitudinally spaced from the first set of attachment bores, a first binding (64) adapted to receive a first boot (boots disclosed in column 1, line 20) of the rider and being fixedly attached to the upper surface of the snowboard (62) by means of first fasteners (75) that are received in at least some of the attachment bores in the first set, a second binding (20 see Figure 1) adapted to receive a second boot of the rider where the second boot includes a longitudinal boot axis; and a mount (96) adapted to

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secure the second binding to the snowboard (62), the mount (96) including: a base member (74) formed as a plate and adapted to affix to the support surface of the snowboard (62) by means of second fasteners (75) that are received in at least some of the attachment bores in the second set thereby to define a mounted state, the base member (74) having a circular opening (see Figure 8) formed therein and including a radially inwardly projecting flange (also shown in Figure 8); a disc shaped coupling member (72) rotatably disposed in the circular opening in the base member (74) to define a nested state, the coupling member (72) including an outwardly projecting lip/perimeter margin (shown in Figure 8) operative to engage the flange and having a bottom surface adapted (as clearly taught in column 11, lines 58-60 since the apparatus is operable "without" the mount 96) to confront the upper surface of the snowboard (62) where the lip is secured between the flange and the snowboard (62) in the coupled state, the coupling member (72) having a plurality of threaded openings (86) adapted to receive threaded fasteners (80) adapted to secure the second binding (64) thereto; and a latch (84) associated with the base member (74) and the coupling member (72), the latch (84) being movable between a locked state to lock the coupling member (72) and the base member (74) against relative rotation when the coupling is in a primary position/orientation, and an unlocked state thereby to permit uninhibited rotation between the coupling member (72) and the base member (74) about a majority of an arc of a circle to a secondary position/orientation different from the primary position/orientation. The coupling member (72) and the base member (74) are coplanar flat plates when in the nested state. The base member (74) has a first latch bore (82)

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and the coupling member (72) has a second latch bore (68, 70), the first and second latch bores (82, 68, 70) positioned to coaxially align with one another when the base member (74) and the coupling member (72) are in the primary position/orientation, the latch (84) including a movable rod (102 as seen in Figure 15) disposed in the first latch bore (82) and operative to extend into the second latch bore (68, 70) when in the locked state. The movable rod (102) is biased toward the locked state (as described in column 12, lines 45-49). Further, the coupling member (42), the base member (40), and the latch (70) are formed of a material chosen from metal, plastic, and a combination of metal and plastic (as described in column 10, lines 23-26). Reynolds also teaches the method of supporting a binding of a boot on a support surface of a snowboard which includes the steps of: providing a coupling member having a top surface that is securable to the binding and a bottom surface; placing the coupling member so that the bottom surface confronts the support surface of the snowboard; constraining the coupling member from rotation about a rotational axis that is perpendicular to the support surface while maintaining the bottom surface in confronting relationship to the support surface; securing the binding to the coupling member; and locking the coupling member in a first rotational position and permitting uninhibited rotation between the first rotational position and a selected second rotational position. The movable rod having a shaft "portion" that is geometrically congruent with the first latch bore (82), and a head "portion" that is geometrically congruent with the second latch bore (68, 70), as shown in Figure 15.

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8. Claims 27-29, 34 and 35 are rejected under 35 U.S.C. 102(e) as being anticipated by Patterson (US Patent 6,155,578).

Patterson teaches a snow riding system for a rider wearing boots including an elongate snowboard (10) having a longitudinal board axis (23), an upper surface adapted to support the rider and a lower surface opposite the upper surface to glide on a snow covered area where the snowboard (10) includes a first set of attachment bores (22) formed in the upper surface, a second set of attachment bores (22) formed in the upper surface at a location longitudinally spaced from the first set of attachment bores (22), a first binding (12') adapted to receive a first boot (boots disclosed in column 4, line 37) of the rider and being fixedly attached to the upper surface of the snowboard (10) by means of first fasteners (62) that are received in at least some of the attachment bores (22) in the first set, a second binding (12') adapted to receive a second boot of the rider where the second boot includes a longitudinal boot axis, the improvement including a mount (36) adapted to secure the second binding (12') to the snowboard (10), the mount (36) including: a base member (40) formed as a plate and adapted to affix to the support surface of the snowboard (10) by means of second fasteners (62) that are received in at least some of the attachment bores (22) in the second set thereby to define a mounted state, the base member (40) having a circular opening (54) formed therein and including a radially inwardly projecting flange (56); a disc shaped coupling member (42) rotatably disposed in the circular opening (54) in the base member (40) to define a nested state (as shown in Figure 4), the coupling member (42) including an outwardly projecting lip/perimeter margin operative to engage the flange

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(56) (also shown in Figure 4) and having a bottom surface adapted to confront the upper surface of the snowboard where the lip is secured between the flange and the snowboard (10) in the coupled state, the coupling member (42) having a plurality of openings (52) adapted to receive fasteners (62) adapted to secure the second binding (12') thereto; and a latch (70) associated with the base member (40) and the coupling member (42), the latch (70) being movable between a locked state to lock the coupling member (42) and the base member (40) against relative rotation when the coupling is in a primary position, and an unlocked state thereby to permit uninhibited rotation between the coupling member (42) and the base member (40). The base member (40) includes an array of positioning holes (64) which permits the base member (40) to be mounted in at least three different orientations relative to the longitudinal axis (23) of the snowboard (10). The array including a first pair of holes (64) oriented along a first line and spaced a selected distance apart from one another, a second pair of holes (64) oriented along a second line and spaced the selected distance apart from one another and a third pair of holes (64) oriented along a third line different from the second line and spaced the selected distance apart from one another, each of the second and third lines being oriented at an angle with respect to the first line where the first and second pairs of holes (64) are located at corners of a first rectangle and where the first and third pairs of holes (64) are located at the corners of a second rectangle (See Figure 7). The coupling member (42) and the base member (40) are coplanar flat plates when in the nested state. The base member (40) has a first latch bore (68) and the coupling member has a second latch bore (44a, 44b), the first and second latch bores (68, 44a,



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44b) positioned to coaxially align with one another when the base member (40) and the coupling member (42) are in the primary position, the latch including a movable rod (70) disposed in the first latch bore (68) and operative to extend into the second latch bore (44a, 44b) when in the locked state. The movable rod (70) is biased toward the locked state (as described in column 6, lines 61-67). Further, the coupling member (42), the base member (40), and the latch (70) are formed of a material chosen from metal, plastic, and a combination of metal and plastic (as described in column 10, lines 23-26). The shaft portion (70) is geometrically congruent with the first latch bore (68) and a head portion (72) is geometrically congruent with the second latch bore (44a, 44b). See Figure 11.

Patterson also teaches the method of supporting a binding of a boot on a support surface of a snowboard which includes the steps of: providing a coupling member having a top surface that is securable to the binding and a bottom surface; placing the coupling member so that the bottom surface confronts the support surface of the snowboard; constraining the coupling member for rotation about a rotational axis that is perpendicular to the support surface while maintaining the bottom surface in confronting relationship to the support surface; securing the binding to the coupling member; and locking the coupling member in a first rotational position and permitting rotation between the first rotational position and a second rotational position. See column 5, lines 18-67 and column 6, lines 1-60.

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 3, 4, 18 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reynolds ('430) in view of Patterson (US Patent 6,155,578).

Reynolds teaches the features described above.

Reynolds lacks the teaching of a base member mountable in two or three different orientations.

Patterson teaches a base member (40) having an array of positioning holes (64) which permits the base member (40) to be mounted in at least three different orientations relative to the longitudinal axis of the snowboard (10). The array including a first pair of holes (64) oriented along a first line and spaced a selected distance apart from one another, a second pair of holes (64) oriented along a second line and spaced the selected distance apart from one another and a third pair of holes (64) oriented along a third line different from the second line and spaced the selected distance apart from one another, each of the second and third lines being oriented at an angle with respect to the first line where the first and second pairs of holes (64) are located at corners of a first rectangle and where the first and third pairs of holes (64) are located at the corners of a second rectangle (See Figure 7).

Based on the teachings of Patterson, it would have been obvious to one having ordinary skill in the art, at the time the invention was made to modify the base member

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of Reynolds to include a second and third pair of holes to permit selective adjustment of the base member as taught in column 6, lines 21-27.

***Allowable Subject Matter***

10. Claims 15, 16, 23 and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. Claims 30-33 are allowed.

***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

White shows a snowboard rotatable binding conversion apparatus.

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

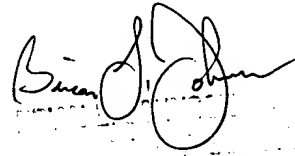
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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

14. Any inquiry concerning this communication should be directed to Bridget Avery at telephone number 703-308-2086.

  
Avery

December 4, 2003

  
12/15/03  
BRIDGET AVERY  
TECHNOLOGY CENTER 6000